

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEW YORK LIFE INSURANCE COMPANY, No. 2:19-CV-00226

Plaintiff,

vs.

BRANDON GUNWALL, JEFFREY E.
SWENSON and AMELIA M. BESOLA, as
Administratrix of the Estate of Mark Lester
Besola,

Defendants.

~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
INTERPLEADER DEPOSIT OF FUNDS
AND DISMISSAL

The Court having considered Plaintiff's Motion for Interpleader Deposit of Funds and Dismissal, and for good cause having been shown;

IT IS ORDERED as follows:

1. NYLIC shall distribute to the Clerk of this Court a check equal to the \$695,000.00 in Death Benefits due as a result of the death of Mark L. Besola in connection with Group Life Insurance Policy No. G-14884-0 issued by NYLIC to the Trustees of the American Veterinarian Medical Association Trust (the "Policy"), plus applicable interest, if any, minus \$15,286.51 in attorney's fees and costs to be retained by NYLIC;

~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S MOTION FOR
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1 2. The Clerk of this Court shall deposit the funds distributed by NYLIC into an
2 interest-bearing account and maintain the same pending further orders of the Court;

3 3. Upon deposit of the funds with the Court, NYLIC shall be, and hereby is,
4 discharged from any and all liability to Defendants Brandon Gunwall, Jeffrey E. Swenson and
5 Amelia M. Besola, as Administratrix of the Estate of Mark Lester Besola (together, the
6 "Adverse Claimants") relating in any way to the Policy and/or the Death Benefits, and the
7 Adverse Claimants shall be, and hereby are, permanently enjoined from making any further
8 actual or implied claims, demands and causes of action, asserted or unasserted, express or
9 implied, foreseen or unforeseen, real or imaginary, suspected or unsuspected, known or
10 unknown, liquidated or unliquidated, of any kind or nature or description whatsoever, that the
11 Adverse Claimants, jointly and severally, ever had, presently have, may have, or claim or assert
12 to have, or hereinafter have, may have, or claim or assert to have, against NYLIC with respect
13 to the Death Benefits or otherwise in connection with the Policy;

14 4. NYLIC shall be, and hereby is, dismissed from the above-captioned action with
15 prejudice without further costs or fees to any party;

16 5. This Court shall retain jurisdiction over the Adverse Claimants and of the matter
17 and all claims between the Adverse Claimants as to the Death Benefits or otherwise raised
18 between the Adverse Claimants; and

19 6. This action shall be retained on the Court's docket for resolution of claims to the
20 funds deposited by NYLIC, and distribution thereof.

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1 ORDERED this 20th day of Sept. 2019.

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3 Robert S. Lasnik
4 Honorable Robert S. Lasnik
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7 *Presented by:*

8 FORSBERG & UMLAUF, P.S.

9 s/ Alexandra E. Ormsby

10 Stephanie Andersen, WSBA No. 22250

11 Alexandra E. Ormsby, WSBA No. 52677

12 Attorneys for Plaintiff
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